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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**

7 Case No: 5:20-cv-00354-VKD

8 PETER STROJNIK,

9 Plaintiff,

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12 **PLAINTIFF'S RESPONSE TO**
13 **DEFENDANT'S MOTION FOR**
14 **BOND**

15 vs.

16 R.F. WEICHERT V, INC. dba
17 JABBERWOCK INN

18

19 Defendant.

20 It is well accepted in the ADA circles that where a Defendant's public
21 accommodations has more stairs than St. Peter's cupola, there are only two ways to
22 defeat the ADA claim: Procedural technicality or a bond. But here, as more fully
23 disclosed in Plaintiff's Motion for Summary Judgment filed herewith, the likelihood of
24 Defendant's prevailing approximates 0%. For this reason, Plaintiff requests that the
25 question of bond be deferred until the decision on Plaintiff's Motion for Summary
26 Judgment.

27 Mr. Stillman wants a \$75,000 bond to cover his \$2,500 flat fee agreement with
28 R.F. Weichert. The fact of Mr. Stillman's \$2,500 flat fee is disclosed on California's
Hotel and Lodging Association ("CHLA") website:

ADA Protection Program

- Serial drive-by/call-in lawsuits have substantially increased over recent years with plaintiffs alleging variations of several ADA violations.
- Recent lawsuits have centered on:
 - Website compliance (no accessibility description; no room description; no ability to reserve accessible rooms) and
 - Hearing impairment (failure to provide TTY's or assistive listening devices.)
- A handful of attorneys and plaintiffs are the primary source of these complaints.
- **Through CHLA's partnership with Stillman & Associates, CHLA members who have been sued for Unruh Act or ADA claims can hire Philip Stillman for a flat legal fee to defend them in the case.**

and

ADA Lawsuit Protection Program

CHLA offers a legal support program for members who are victims of serial drive-by lawsuits that allege violations of the Americans with Disabilities Act. Our members who have been sued for Unruh Act or ADA claims now can hire CHLA's preferred attorney, who specializes in ADA lawsuits, for a flat legal fee of \$2,500* per claim to defend them, dramatically less than the legal fees members otherwise would incur to defend such cases. Join CHLA to utilize this valuable program. If you have any questions on this program or how to join CHLA and utilize our ADA Lawsuit Protection Program, please email Sandra@calodging.com or complete the form below.

Further, Mr. Stillman also unabashedly admits that Plaintiff has no ability to pay any type of a bond. He is aware that Plaintiff is utterly impecunious and that all of Plaintiff's income from whatever source is subject to a 2013 divorce decree granting Mrs. Strojnik a first position alimony UCC lien against same¹. If Plaintiff pays even \$1.00 in derogation of the alimony lien, he commits a class 1 misdemeanor under Arizona law.

¹ Mr. Stillman threatened Mrs. Strojnik with a fraudulent transfer lawsuit if *she* did not pay Plaintiff's fees.

In short, the application for bond is another attempt to thwart the rights of the disabled through a procedural artifice. It is not well taken and should be denied. Mr. Stillman's tactics are more fully described in the attached Opening Brief in a different matter Exhibit 1.

RESPECTFULLY SUBMITTED this 18th day of November 2021.

PETER STROJNIK

Plaintiff

The original ECF filed this 18th day of November 2021 thence distributed by PACER.